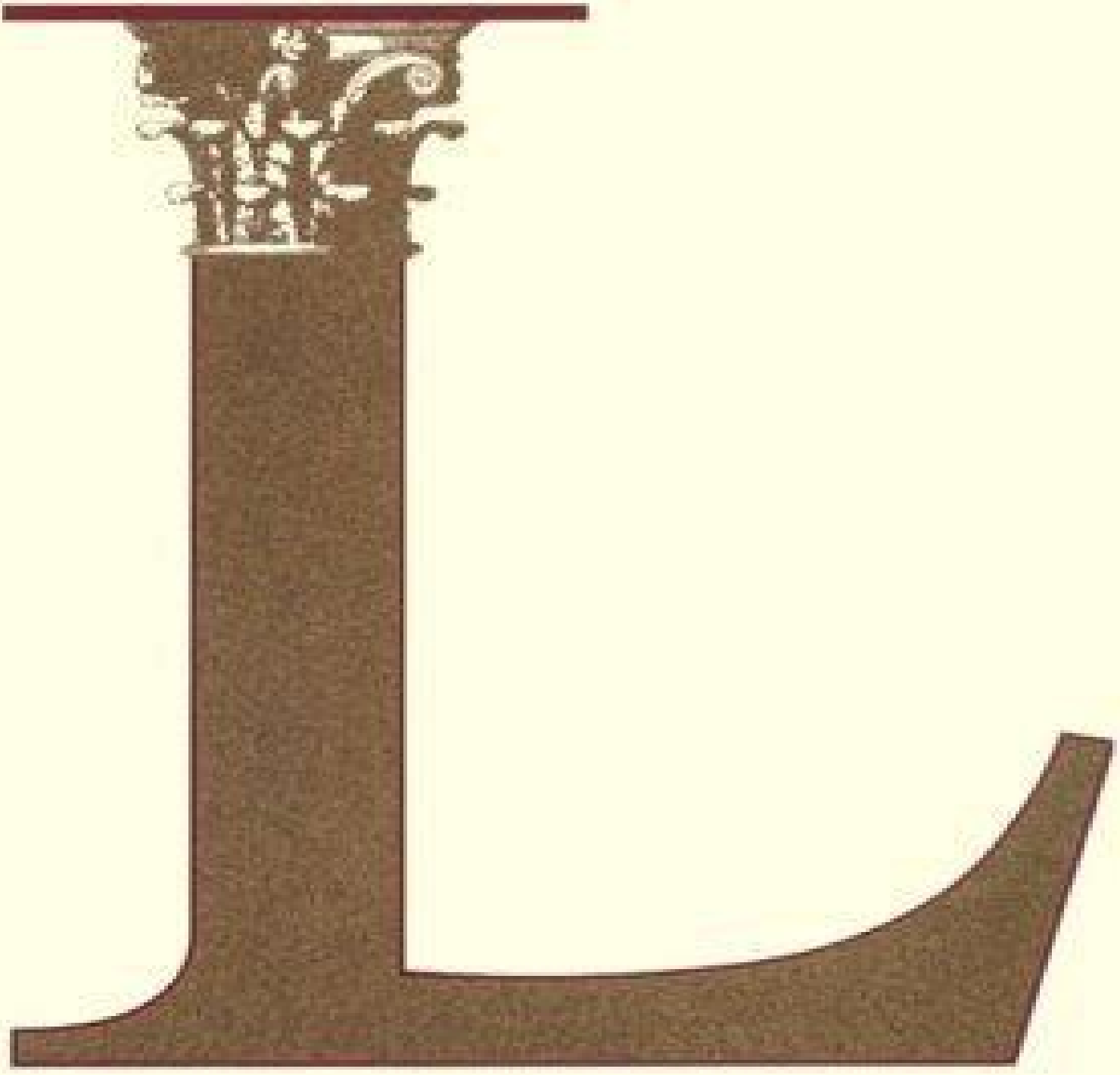
SCOTT TUROW

AUTHOR OF **PRESUMED INNOCENT**

ONE



THE TURBULENT TRUE STORY OF A FIRST YEAR AT HARVARD LAW SCHOOL

The first year of Law-School is an intellectual and emotional ordeal so grueling that it ensures only the fittest survive. Now takes you inside the oldest and most prestigious law school in the country when he becomes a “One L,” as entering students are known at Harvard Law School. In a book that became a national bestseller, a law school primer, and a classic autobiography, he brings to life the fascinating, shocking reality of that first year. Provocative and riveting, ONE L reveals the experience directly from the combat zone: the humiliations, triumphs, hazings, betrayals, and challenges that will make him a lawyer—and forever change Turow’s mind, test his principles, and expose his heart.

11/17/75

It is Monday morning, and when I walk into the central building, I can feel my stomach clench. For the next five days I will assume that I am somewhat less intelligent than anyone around me. At most moments I’ll suspect that the privilege I enjoy was conferred as some kind of peculiar hoax. I will be certain that no matter what I do, I will not do it well enough; and when I fail, I know that I will burn with shame. By Friday my nerves will be so brittle from sleeplessness and pressure and intellectual fatigue that I will not be certain I can make it through the day. After years off, I have begun to smoke cigarettes again; lately, I seem to be drinking a little every night. I do not have the time to read a novel or a magazine, and I am so far removed from the news of world events that I often feel as if I’ve fallen off the dark side of the planet. I am distracted at most times and have difficulty keeping up a conversation, even with my wife. At random instants, I am likely to be stricken with acute feelings of panic, depression, indefinite need, and the pep talks and irony I practice on myself only seem to make it worse.

I am a law student in my first year at the law, and there are many moments when I am simply a mess.

PREFACE

In baseball it's the rookie year. In the navy it is boot camp. In many walks of life there is a similar time of trial and initiation, a period when newcomers are forced to be the victims of their own ineptness and when they must somehow master the basic skills of the profession in order to survive.

For someone who wants to be a lawyer, that proving time is the first year of law school. There are many obstacles to becoming a successful attorney. Getting into law school these days is far from easy. And following graduation three years later, you must pass the bar exam in your state, find a job, or set out on your own, build and maintain a practice. Yet none of those steps is thought to possess the kind of wholesale drama of the first year of law school. Not only is it a demanding year—the work hugely difficult and seemingly endless, the classroom, competition often fierce—but it is also a time when law students typically feel a stunning array of changes taking place within themselves. It is during the first year that you learn to read a case, to frame a legal argument, to distinguish between seemingly indistinguishable ideas; then that you begin to absorb the mysterious language of the law, full of words like estoppel and replevin. It is during the first year, according to a saying, that you learn to think like a lawyer, to develop the habits of mind and world perspective that will stay with you throughout your career. And thus it is during the first year that many law students come to feel, sometimes with deep regret, that they are becoming persons strangely different from the ones who arrived at law school in the fall.

This book is about my first year as a student at the Harvard Law School in Cambridge, Massachusetts. The fact that the year's events took place at Harvard—the oldest, largest, and perhaps most esteemed of America's law schools—does not in the end differentiate my experience much from that of the nearly 40,000 Americans who begin their legal education every fall. The first year at American law schools tends to be remarkably uniform. The course of study has changed little in the past century. Almost every first-year student is required (as I was) to take what are generally thought of as the basic subjects—the law of Contracts, Torts, and Property, the Criminal Law, Civil Procedure. Nor does the manner of instruction vary much from place to

place. Study focuses on selected court cases from which students are expected to deduce legal principles, and the classes are usually conducted by the so-called “Socratic method,” in which individual students are interrogated at length about their impressions of the material. These days, students at all law schools are usually bright and accomplished, and the struggle for jobs in the future and for first-year honors leads at most schools to the same emphasis on grades and the same atmosphere of tension, competition, and uncertainty in which I found myself during the past year at Harvard. For all of us who have made it through the first year, I am sure that it was a similar undertaking, overwhelming, sometimes frightening, always dizzyingly intense.

In writing this book, I have sought to show that intensity, and the process of change, as they made themselves felt day by day upon my classmates and me. I kept a journal throughout the year and often I’ve taken passages directly from it when my thoughts and feelings seemed especially clear and important. For the most part, however, I’ve attempted to shape those reflections in light of the experience of the complete year and the knowledge that first impressions did not always prove an especially reliable indicator of either the way things would turn out, or even the general course of my feelings.

This book is one person’s perspective on an experience that is viewed in widely varying ways. I make no claims that any of my reactions are universal. And it is also a book, written as soon as the year had concluded, which has little of the mellowing of time. No doubt, I would write a different book ten years from now, emphasizing different events, expressing more or less concern about certain elements of my education. For better or for worse, I have tried in the immediate aftermath of that demanding, rewarding, turbulent year to produce a coherent account of what it feels like to go through it. I have written in the belief that the law, like any other field, is little more than the people who live it, and that lawyers—as well as the law they make and practice—are significantly affected by the way they were first received into the profession. If I am right about that, then the first-year experience should be of interest to everyone, for it bears on the law that bounds and guides our whole society..

I should add two special notes.

First, this book is not a novel. Everything I describe in the following pages happened to me. But the people about whom I speak are not the same as the friends and professors with whom I spent the year. I have combined and altered personalities in order to represent more adequately the general character of my experience. And because the people around me did not know that I would undertake this project, I have changed names, backgrounds, and sometimes other details, to avoid any potential sacrifice of their privacy.

Finally, I should say once, forthrightly, that I am proud to be a student at Harvard Law School ("HLS" is the abbreviation I'll often use). I'm sure that much of this book bespeaks that pride, but I make this declaration in order to insure that my occasional criticism of HLS will not be misunderstood. Since its founding in 1817, through its graduates and as a scholarly resource, the Harvard Law School has had an extraordinary impact on the growth and enrichment of the American law and the American legal profession. I am glad to be among the inheritors of its traditions. That both the law and HLS can be made richer, more humane, more just institutions is more than a personal assumption—it is an institutional one as well, an idea taught and reinforced at HLS. It is ultimately out of the belief in reasoned change, for which the law school in many ways stands, that any criticism grows.

S. T.

REGISTRATION

Meeting My Enemy

9/3/75 (Wednesday)

.. a warm place, a good place . . . I think.

They called us “One Ls,” and there were 550 of us who came on the third of September to begin our careers in the law. For the first three days we would have Harvard Law School to ourselves while we underwent a brief orientation and some preliminary instruction. Then, over the weekend, the upper-year students would arrive, and on Monday all classes would officially commence.

A pamphlet sent in August to all first-year students—the One Ls (Rs) as they are known at HLS—instructed me to be at the Roscoe Pound Classroom and Administration Building at 10 A. M. to register and to start orientation. I took the bus into Cambridge from Arlington, the nearby town where my wife and I had found an apartment.

I had been to the law school once earlier in the summer when David, a close friend who’d recently graduated, had given me a tour. HLS occupies fifteen buildings on the northern edge of the Harvard campus, and is bounded on one side by Massachusetts Avenue, Cambridge’s clogged main thoroughfare. The architecture is eclectic. The student commons and dormitories are square and buff-colored and functional. Old Austin Hall, a classroom building, looks like a sooty fortress with arches. Langdell, the school’s largest building, is a long gray expanse of concrete. When I toured the law school in the summer, it had all looked so solid, so enduring, that I’d felt a majestic thrill to think I’d soon be allied with this and the time-ennobled traditions of the law. Now, getting off the bus, I felt mostly my nerves, which were lit all the way down to my knees.

In the Pound Building, a modern affair with exposed brick walls and a lot of glass, I was handed a thick packet of registration materials as soon as I came

through the door. Then I was directed down the hall to a classroom where my section—Section 2—was being loosely assembled for the first time to fill out the variety of cards and forms in the packets.

Every year at Harvard the lLs are divided into four sections of 140 students each. With that same group, I would have all my classes throughout the year, except a single elective course in the spring. The members of my section, I'd been told, would become my friends, my colleagues, the 140 people on earth who would know best the rigors I was going through daily. They would also be the individuals with whom I would be constantly compared, by the faculty and probably by myself. Relations within the section would be close. Most 1Ls, even those who live in the on-campus dorms—about half the first-year class—have only passing contact with the members of the other three first-year sections or with upper-class students. For the most part, friends had said, it would seem as if I were in a separate school, a tiny universe centered on the professors, with the 140 of us in a dense and hectic orbit about them.

My first view of my section mates was inauspicious. In the classroom most of the people were seated, dutifully emptying their packets and filling out cards. A few students who seemed to have known each other, probably as undergraduates, stood about in clusters or called to one another across the room. I had few distinct impressions. For the most part, they were a little bit younger than I'd expected. There were a number of women, a number of blacks. Most of the men wore their hair quite short.

On the blackboard a notice had been written, naming the cards and forms in the pack and giving the order in which they were to be received by the representatives of the registrar's office who awaited them on the far side of the room. When I finished, I looked at the man seated beside me. I watched him count his cards three times. Then I did the same thing myself. When I looked up he was watching me.

"They're all here," I told him. He nodded. I introduced myself and we shook hands. His name was Hal Lasky and he was from Ashtabula by way of Ohio State. He asked if I knew anything about our professors. Their names had been announced in the August pamphlet. I told him I didn't.

"What do you hear?" I asked.

“Not much,” he said, “except about Perini in Contracts. He’s supposed to be pretty tough. And Morris in Civil Procedure—people like him.”

After handing in our cards, all of us, in a peculiar ceremony, were required to “sign in” to the law school, registering our name, age, and previous degrees in a large ledger. As I wrote, I scanned the page to see about my classmates. Two listed their undergraduate college as Oxford. Another person had a Ph. D. The woman who’d signed above me was an M. D.

That’s only one page, I told myself.

When I finished signing, a woman handed me a plastic ID card. I was enrolled.

I walked outside for a moment. It was a fine day, sunny and mild. I sat down on a brick retaining wall near the Pound Building.

So here you are, I told myself, the famous Harvard Law School, alma mater to many of the great men of American law Supreme Court justices, senators, a President—and more persons influential in contemporary life than I could “remember or keep count of.

“El numero uno,” a friend of mine had called HLS the spring before, in trying to persuade me to come here. Every detail about the place. suggested its prominence. HLS is the oldest law school in the nation. It has the largest full-time enrollment-18,000, including graduate students. The more than sixty-five professors constitute the biggest full-time law faculty in the country, and perhaps the most illustrious. As a place actually to undertake a legal education, Harvard is sometimes criticized, especially when compared to schools, like Yale, that have more flexible curricula and lower ratios of students to faculty. But for whatever it was worth, I knew that a poll the previous winter of the deans of all the law schools in the country had revealed that among them, Harvard was still most often thought of as the best.

But despite having become part of that lustrous setting, as I sat there on that wall I did not feel entirely self-satisfied. Doubt—about themselves, about what they are doing—is a malady familiar to first-year law students and I

arrived already afflicted. I was not sure that I was up to that tradition of excellence. And I was still not absolutely positive that law school was the place where I should be. For me, the route to law school had been somewhat roundabout. I was twenty-six, three or four years older than most of the other as, for it had taken me somewhat longer than it had taken them to realize that I wanted to study law.

For the past three years I had been a lecturer in the English department at Stanford where, before that, I was a graduate student. I had spent my time as lecturer teaching courses in creative writing and doing my best to write on my own. It was not a bad life. But I found myself with a deepening interest in law. Some of the writing I was doing had involved a good deal of legal research, and contrary to my expectations I found much of the work intriguing. In college, at Amherst, in the era of Vietnam and the civil-rights struggle, the law had seemed to me the instrument by which the people in power kept themselves on top. When many of my friends had decided to go to law school, I had been openly critical of their choices. Now, five years later, I saw the law less as a matter of remote privilege, and more a part of daily affairs. Getting married, renting an apartment, buying a car—legal matters were all around me. I was fascinated by the extent to which the law defined our everyday lives. And the friends whose decisions I'd criticized were now in practice, doing things which pleased them and also seemed absorbing to me.

In the spring of 1974—purely speculatively, I told myself—I took the Law School Admissions Test (LSAT), the nationally administered exam required of all law-school applicants. I did well on the test-749 out of 800, a score near the ninety-ninth percentile—but I was still reluctant to give up my career in writing and teaching. It was only later that spring, when I was offered a better job as an assistant professor at another university, that I forced myself to think about the lifelong commitments I wanted to make. I came to realize how much I would regret allowing my interest in law to go unfulfilled.

The following fall, I filed applications at law schools across the country. When it became apparent that I would have a choice among schools, there was another period of hard decision. I had many college friends who had gone to law school at Harvard and most had found the place large, harsh, and